

Planning Report

Thursday, October 13, 2016

Cap City Diner – Waiver Review

Case Summary

Agenda Item	4
Case Number	16-080 WR
Proposal	A Waiver Review for use of a non-permitted material to allow the installation of operable weather screens on the first floor of Building C2 within Bridge Park Development within the Bridge Street Scioto River Neighborhood District located on the east side of Riverside Drive. This is a request for review and approval of a Waiver Review under the provisions of Zoning Code Section 153.066.
Request	Review and approval for a Waiver Review under the provisions of Zoning Code Section 153.066.
Site Location	Located at Riverside Drive and Longshore Street.
Applicant	Crawford Hoying
Representative	Randy Roberty, Design Collective
Case Manager	Lori Burchett, AICP Planner II (614) 410-4656 lburchett@dublin.oh.us
Planning Recommendation	Disapproval The proposed Waiver Review is not consistent with the applicable review criteria. Disapproval is recommended.



City of Dublin

16-080WR
 Waiver Request
 Cap City - Block C
 6640 Riverside Drive

0 200 400
 Feet



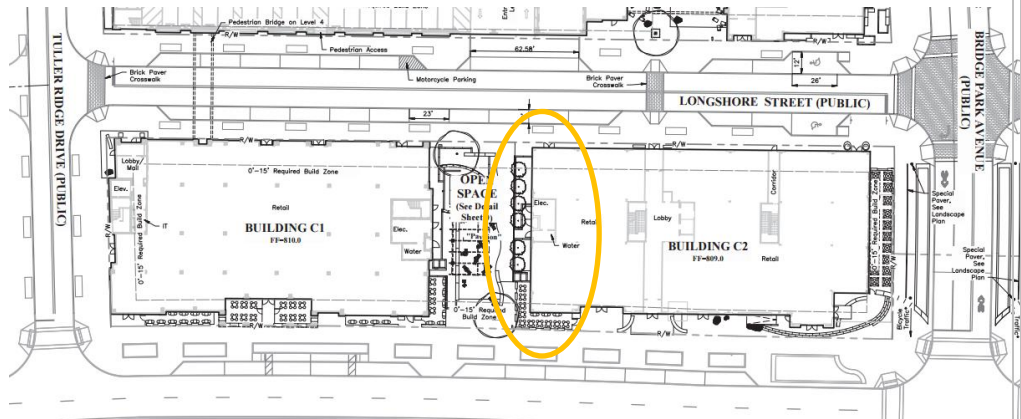
Facts	
Site Area	±5,838 square feet of tenant space
Zoning	BSD-SRN, Bridge Street District – Scioto River Neighborhood
Surrounding Zoning And Uses	<p>The surrounding properties are predominately zoned BSD-SRN, Bridge Street District – Scioto River Neighborhood District:</p> <p>North: BSD-SRN –Bridge Park, Building C-1 South: BSD- SRN –Bridge Park, Block B East: BSD- SRN –Riverside Drive, Park (Future) West: BSD- SRN –Bridge Park, Block C, Buildings C-3 and C-5 (Parking Garage)</p>
Site Features	<ul style="list-style-type: none"> • Located in Block C of the Bridge Park development • Tenant space is located at the northwest corner of Building C2 • Patio area is adjacent to public open space • Frontage on Riverside Drive
Background	<p>A Minor Project Review (12-063MPR) was approved by the Administrative Review Team on August 18, 2016 with one condition that “the applicant shall submit a revised plan showing a permitted primary or secondary material for the patio screening.” The applicant has submitted this request for waiver review to allow for a material that is not permitted within the Bridge Street Zoning District.</p> <p>The ART reviewed and recommended disapproval on the Waiver Review to the Planning and Zoning Commission, who is the final authority on the Waiver Request.</p>

Details	Waiver Review
Waiver Review (WR)	The purpose of a Waiver Review is to allow for project elements that deviate from one or more of the requirements of the BSD requirements that do not qualify for an Administrative Departure.
Proposal	<p>This is a request for approval of a Waiver Review for use of a non-permitted material to allow the installation of operable vinyl weather screens on the first floor of Building C2 within Bridge Park Development.</p> <p>The application states that “the purpose of this system is to address the undesirable conditions present at this particular patio location. The location of the building along the west side of the building directly adjacent to Riverside Drive does not provide a buffer from the evening sun or inclement weather. The screens will be partially lowered at times of peak sun exposure to shield guests from glare, and will be fully lowered to protect individuals from driving rain. Without a means of doing so, a mid-</p>

Details

Waiver Review

meal storm would create numerous problems for patio diners leaving them with no options to escape the rain. The patio becomes difficult to seat and the energy level and activity along the pedestrian way is lessened."



Administrative Review Team (ART) Comments

The ART reviewed the proposal and provided feedback regarding the overall aesthetic changes of the use of the vinyl screen materials. There was significant discussion about the quality and long-term durability of the product. Additionally, with the exterior prominence of the structure along public open space the use of a lower quality material would not fit with the overall intent of the district. There was discussion regarding whether a re-approval process could be considered and the project could be re-evaluated on a yearly basis to ensure quality and aesthetic is being maintained. The board did not feel they were the appropriate body to make that recommendation.



Analysis	Waiver Review
Waiver Review	Section 153.066(I) of the Zoning Code identifies Waiver Review procedures. Applications shall be reviewed under the provisions of 153.066(I)(6)The following is an analysis based on the standards outlined in the Bridge Street District Code.
a) <i>The need for the Waiver is caused by unique conditions outside the control of the owner/lessee.</i>	Criterion not met. There are no unique conditions to this property. The property is located in a highly visible area and adjacent to public open space.
b) <i>The Waiver will generally meet the spirit and intent of the BSD Plan and supports the commonly accepted principles of walkable urbanism.</i>	Criterion not met. The proposed material does not conform with the principles of walkable urbanism, specifically that the buildings have a range of high-quality architectural styles that reinforce the unique identity of the Scioto River Neighborhood district, nor is it architecture that reflects Dublin's commitment to high quality and enduring character.
c) <i>The Waiver is not being requested solely to reduce cost or as a matter of general convenience.</i>	Criterion not met. Other materials could be considered that would conform to the building materials requirement. There is no indication in the application to show that this request is not to reduce cost or as a matter of general convenience.
d) <i>The Waiver will ensure that the development is of equal or greater development quality with respect to design, material, and other similar development features than without the Waiver.</i>	Criterion not met. The use of the window panel system constructed of woven acrylic fabric and clear vinyl is not considered a material of equal or greater quality to brick, stone, and glass.
e) <i>The requested modification would better be addressed through the Waiver rather than an amendment to the requirements of this Chapter.</i>	Criterion met. The requirements of this chapter should not be amended to include vinyl and woven acrylic fabric.

Analysis	Waiver Review
<p>f) <i>For Development Plans, the other Development Plan elements not affected by the Waiver will be generally consistent with §153.060(A) and §153.061(A).</i></p>	<p>Criterion not applicable. A Development Plan is not a part of this application.</p>
<p>g) <i>For Site Plan reviews and Minor Project Reviews, the Waiver does not have the effect of authorizing any use or open space type that is not otherwise permitted in that BSD zoning district.</i></p>	<p>Criterion not applicable. No changes to uses or open space are included as part of this application.</p>

ART Recommendation	Waiver Review
<p>Disapproval</p>	<p>The proposed Waiver Review is not consistent with all of the applicable review criteria. Approval is not recommended.</p>